

REMARKS

Claims 1-5, 7-14, 18-21, 25, 30, 33, 35, 39, 42 and 44-53 are pending in this application. In the present amendment, the Applicants have amended Claims 1, 2, 4, 5, 7, 9, 10, 13, 14, 18, 19, 25, 30, 33, 39, 40, 42, 44, 46, 48, and 50-53. Applicants respectfully submit that the amendments to Claims 1, 2, 4, 5, 7, 9, 10, 13, 14, 18, 19, 25, 30, 33, 39, 40, 42, 44, 46, 48, and 50-53 are fully supported by the application as originally filed, and that no new matter has been added. Accordingly, Claims 1-5, 7-14, 18-21, 25, 30, 33, 35, 39, 42 and 44-53 remain pending for consideration.

Rejection of Claims Under 35 U.S.C. § 103

The Office Action rejected Claims 1-5, 7-12, 14, 18, 25, 30, 33, 39, 40, 42, 44, 46-49, 52 and 53 under 35 U.S.C. § 103 as being unpatentable over U.S. Publication No. 2001/0034228 (hereinafter "Lehtovirta"), and U.S. Publication No. 2001/0024443 (hereinafter "Alriksson"), and further in view of U.S. Patent No. 7,058,007, issued to Daruwalla, et al. (hereinafter "Daruwalla"). Applicants respectfully traverse the rejection.

Turning to the claims, currently amended Claim 1 recites, *inter alia*, "determining, at the end node, using said generated list, if the network node fault corresponds to a network node that is used in routing signals to or from said end node." The references cited in the Office Action fail to teach or suggest at least determining using a list generated by the end node if the network node fault corresponds to a network node that is used in routing signals to and from the end node.

The Office Action states that Lehtovirta discloses a failure recovery operation where once a partial failure is detected, a list containing affected user equipment and radio access bearers ("RABs") is generated and distributed among the network nodes. OA, pg. 3. However, the list discussed in Lehtovirta is generated by a first node and is then sent to a second node. Para. [0040], [0044], [0045] (failure detected in packet-switched core network ("PSCN") node 20, and message sent to radio network controller ("RNC") 26). The second node uses the list that was generated by the first node to reset affected RABs. Para. [0045] (nodes that receive message, release all RABs on the list). The node that generates the list and the node that receives the list are two separate nodes. In other words, the second node does not use a list generated by itself to

determine where the network fault is located. It simply receives a list and resets the RABs on the list.

Furthermore, the second node in Lehtovirta does not determine "if the network node fault corresponds to a network node that is used in routing signals to or from said end node." The first node determines what devices were affected and alerts the second node to release the affected RABs or user equipment ("UE"). Para. [0039], [0040], Figs. 7 and 8 (partial or complete failure is detected in PSCN 20, which determines what UE and RABs are affected and sends a message to RNC 26 to release the affected UE and RABs). The second node merely carries out the release operation and does not determine if the error corresponds to a network node that is used in routing signals to and from it. Therefore, Lehtovirta fails to at least disclose determining, at the end node, using a list generated at the end node, if the network fault corresponds to a network node that is used in routing signals to or from the end node.

Daruwalla fails to cure the deficiencies of Lehtovirta. Daruwalla discloses a modem that switches from one cable modem termination system ("CMTS") to another when a failure is detected in the first CMTS. Col. 14, lines 4-17. Once again, the modem in Daruwalla does not generate a list and then use that list to determine "if the network node fault corresponds to a network node that is used in routing signals to or from said end node." In addition, the modem does not determine if the failure corresponds "to a network node that is used in routing signals to and from the end node." Once the modem is alerted of the CMTS failure it simply switches to the backup CMTS.

Alriksson also fails to cure the deficiencies of Lehtovirta. Alriksson discloses a node with a routing table. Para. [0106]. Assuming, *arguendo*, that the routing table is a list generated by the node, Alriksson still fails to disclose that the node uses its routing table to determine if a network node fault corresponds to a network node that sends routing signals to or from the node itself. Alriksson only discloses a node with a routing table, while Lehtovirta only discloses a node that receives a list from another node to reset RABs. Thus, Alriksson, Lehtovirta, and every other reference cited in the Office Action fail to at least disclose determining using a list generated by the end node, "if the network node fault corresponds to a network node that is used in routing signals to or from said end node."

For at least the foregoing reasons, Applicants respectfully submit that amended claim 1 is patentable. Independent Claims 39, 42, 46, 48, and 52, also amended, recite similar subject

matter as amended Claim 1, are also smitted to be patentable for at least the same reasons. Claims 2-4, 5, 7-12, 14, 18, 25, 30, 33, 40, 44, 47, 49, and 53 depend from the above mentioned independent claims and are believed to be patentable for at least the same reasons, and for the additional matter recited therein. For the foregoing reasons, Applicants respectfully request that the rejections of Claims 1-4, 5, 7-12, 14, 18, 25, 30, 33, 39, 40, 42, 44, 46-49, 52 and 53 should be withdrawn.

The Office Action rejected Claims 50 and 51 under 35 U.S.C. § 103 as being unpatentable over Lehtovirta and Daruwalla. Applicants respectfully traverse the rejection.

Claim 50 has been amended and now recites a processor configured to control an end node and implement a method comprising, “determining, at the end node, if the network node fault corresponds to a network node that is used in routing of signals to or from said end node.” Lehtovirta.

The Office Action states that Lehtovirta discloses a failure recovery operation where once a partial failure is detected, a list containing affected user equipment and radio access bearers (“RABs”) is generated and distributed among the network nodes. OA, pg. 3. However, the second node does not determine “if the network node fault corresponds to a network node that is used in routing signals to or from said end node.” The first node determines where the failure is and alerts the second node to release the affected RABs or UE. Para. [0039], [0040], Figs. 7 and 8 (partial or complete failure is detected in PSCN 20, which determines what UE and RABs are affected and sends a message to RNC 26 to release the affected UE and RABs). The second node merely carries out the release operation and does not determine where the failure occurred. Therefore, Lehtovirta fails to at least to disclose determining, at the end node, if the network fault corresponds to a network node that is used in routing signals to or from the end node.

Daruwalla fails to cure the deficiencies of Lehtovirta. Daruwalla discloses a modem that switches from one CMTS to another when a failure is detected in the first CMTS. Col. 14, lines 4-17. Once again, the modem in Daruwalla does not determine if the failure corresponds “to a network node that is used in routing signals to and from the end node.” The modem is alerted of the CMTS failure, and it simply switches to the backup CMTS.

For at least the foregoing reasons, amended Claim 50 is believed to be patentable. Claim 51 recites similar subject matter to Claim 50 and is believed to be patentable for at least the same

reasons. For the foregoing reasons, Applicants respectfully request that the rejections of Claims 50 and 51 be withdrawn.

The Office Action rejected Claims 13 and 45 under 35 U.S.C. § 103 as being unpatentable over Lehtovirta, Alriksson, and Daruwalla, and further in view of U.S. Publication No. 2004/0081086 (hereinafter "Hippelainen"). Applicants respectfully traverse the rejection.

Claims 13 and 45 depend from currently amended Claims 1 and 42, respectively. As discussed above Lehtovirta, Alriksson and Daruwalla fail to disclose all the elements of either Claim 1 or Claim 39. The addition of Hippelainen fails to cure the deficiencies of Lehtovirta, Alriksson and Daruwalla. For the foregoing reasons, Claims 13 and 45 are believed to be patentable for at least the same reasons as currently amended Claims 1 and 42, and for the additional matter recited therein.

The Office Action rejected Claims 19-21, 35 and 41 under 35 U.S.C. § 103 as being unpatentable over Lehtovirta, Alriksson, and Daruwalla, and further in view of U.S. Pat. No. 5,390,326, issued to Shah (hereinafter "Shah"). Applicants respectfully traverse the rejection.

Claims 19-21, 35 and 41 depend from currently amended Claims 1 and 39, respectively. As discussed above Lehtovirta, Alriksson and Daruwalla fail to disclose all the elements of either Claim 1 or Claim 39. The addition of Shah fails to cure the deficiencies of Lehtovirta, Alriksson and Daruwalla. For the foregoing reasons, Claims 19-21, 35 and 41 are believed to be patentable for at least the same reasons as currently amended Claims 1 and 39, and for the additional matter recited therein.

The Office Action rejected Claim 30 under 35 U.S.C. § 103 as being unpatentable over Lehtovirta, Alriksson, and Daruwalla, and further in view of U.S. Pat. No. 6,578,085, issued to Khalil, et al. (hereinafter "Khalil"). Applicants respectfully traverse the rejection.

Claim 30 depends from currently amended Claim 1. As discussed above, Lehtovirta, Alriksson and Daruwalla fail to disclose all the elements of currently amended Claim 1. The addition of Khalil fails to cure the deficiencies of Lehtovirta, Alriksson and Daruwalla. For the foregoing reasons, Claim 30 is believed to be patentable for at least the same reasons as currently amended Claim 1, and for the additional matter recited therein.

For the foregoing reasons, Applicants respectfully request that the rejections of dependent Claims 13, 19-21, 30, 35, 41, and 45 be withdrawn.

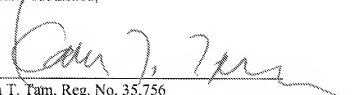
CONCLUSION

In light of the amendments and remarks, Applicants submit that the application is in condition for allowance. Reconsideration and an early allowance are respectfully requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 1/7/01

By: 
Kam T. Tam, Reg. No. 35,756
(858) 651-5563

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 651-5563
Facsimile: (858) 658-2502